

JAN 20 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JAMES H. KIRTLEY,
Plaintiff,

v.

CAPT. SLIVER,
Defendant.

)
) Civil Action No. 7:06-cv-00040
)

) **FINAL ORDER**
)

) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), and stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendant.

ENTER: This 20th day of January, 2006.

[Signature: James C. Turk]

Senior United States District Judge